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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 28 March 1996, at 4 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

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The meeting was called to order at 4.20 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 13) (continued) (E/CN.4/1996/75, 76, 96);

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 14) (continued) (E/CN.4/1996/77, 78, 87; A/CONF.157/PC/62/Add.11/Rev.1, A/50/505)

1. Mr. MIOT (International Federation of Rural Adult Catholic Movements (FIMARC)) said that FIMARC, which brought together over 40 organizations of rural dwellers on four continents, welcomed the fact that the Commission on Human Rights had included among its priorities the question of the realization of economic, social and cultural rights.

2. Unfortunately, there was often a wide gap between the affirmation of those rights in principle and their concrete realization. The FIMARC movements were working to verify whether the declarations made at major international conferences, such as the Copenhagen summit for social development or the Fourth World Conference on Women at Beijing were, in fact, acted upon. FIMARC itself was doing its best to contribute to the realization of those rights, inter alia by supporting training schemes which stressed environment-friendly agricultural techniques.

3. In Asia, for example, a training seminar on sustainable agricultural models had been organized in Sri Lanka in December 1995 for peasant leaders from Bangladesh, Nepal, Pakistan, the Philippines, India and Sri Lanka. Another seminar, held in Africa in January 1995, had been geared to helping peasants from southern Benin to analyse the causes of their problems. In Central America, organizations affiliated with FIMARC had, since 1978, been developing meetings and exchanges based on self-management, self-reliance and

self-determination. Finally, in Europe, the Swiss branch was organizing an ongoing study with small-scale farmers on ways to preserve traditional agriculture in the face of the growing influence on the economy of major financial groups and multinationals.

4. FIMARC was also organizing seminars on the role of rural women in the economy and the future of peasants in society. It was working to strengthen the belief of rural dwellers that "in order to make the right to development a reality for human beings, two related events must take place: a fundamental change in global economic policy, which is controlled by the power blocs, and the promotion of a viable social economy which ensures the full development of the entire man and of all men".

5. Ms. NOONAN (Women's International League for Peace and Freedom) said that she welcomed the Commission's recognition that peace, environmental protection and development were interdependent. Many cases of human rights violations and environmental degradation, including weapons production, transport and testing, were related to military activities. There had been nearly 2,000 nuclear-weapon tests since 1945, and, according to cancer researchers, the radiation produced by such tests was adversely affecting public health. The storage of nuclear waste was also becoming as great a menace to humanity as nuclear weapons themselves. Despite the hope that a comprehensive test-ban treaty would be signed before the end of the year, the international community must address the fate of the victims of nuclear radiation at Chernobyl, Hiroshima and elsewhere.

6. The environmental degradation caused by transnational corporations could also lead to severe human rights violations - for example, in the case of the Grasberg mine, situated in the Indonesian-controlled territory of west Papua. The mine had destroyed large areas of forest and dumped its tailings into the local river system, contaminating the water supply and flooding the river banks. It had recently been learned that the United States company which insured the mine had withdrawn a portion of its coverage.

7. The League also welcomed the fact that the special rapporteur on the matter had stressed in her preliminary report the need for an international code of conduct for transnational corporations. International financial institutions must also take greater account of the provisions of the International Covenant on Economic, Social and Cultural Rights in their policies and projects. The League urged the Commission to adopt the draft decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning the effects of structural adjustment policies on the full enjoyment of human rights.

8. She emphasized that the economic, commercial and financial embargo against Cuba by the United States was a serious violation of the right to development and urged the Government of the United States to put and end to it.

9. Mr. CUNNIAH (International Confederation of Free Trade Unions - ICFTU) stressed the growing importance of economic, social and cultural rights for every citizen as a result of the increasing globalization of the world economy and the ensuing deregulation of the labour market. The World Summit for Social Development, which had taken place in Copenhagen the previous year, had

acknowledged that the international community must strive for poverty eradication and full employment, the promotion and protection of all human rights, including those guaranteed by the International Labour Organization (ILO) conventions, the achievement of equality between men and women and the integration of social development goals in structural adjustment policies.

10. With regard to the last point, ICFTU appealed to Governments to work together with the International Monetary Fund (IMF) and the World Bank to establish a new international financial order which would include increased monitoring of financial markets and a tax on speculative foreign exchange transactions. The Confederation also asked the Commission to support the World Bank proposal of September 1995 to set up a facility to assist in the reimbursement of the multilateral debt which placed such a heavy burden on the resources of many low-income countries; she referred the Commission to document E/CN.4/1996/22.

11. The IMF and the World Bank should increase their efforts to promote the social dimension in their adjustment programmes and to evaluate their policies in terms of job creation, child mortality rates and literacy. The Bretton Woods Institutions should seek to cooperate with trade unions in that regard. It was unacceptable that, as the World Bank had recognized in its 1995 World Development Report, the current international trading system was being threatened by persistent abuse of workers' rights in some countries. To demonstrate the importance which it attached to that problem, the Commission should request the inclusion of the issue of trade and labour standards in the agenda of the Ministerial Meeting of the World Trade Organization (WTO), which would take place in Singapore at the end of the year.

12. Mr. KOMBA-KONO (African Commission of Health and Human Rights Promoters) said that, since foreign debt remained one of the main factors which adversely affected the economic and social development of African countries, his organization attached great importance to the search for a lasting solution to that problem. It proposed the convening of meetings between creditors and debtors at the regional and world levels to consider the possibility of an automatic cancellation of all international debts so that developing countries would be in a position to achieve adequate progress in development and fully to enjoy their economic, social and cultural rights.

13. It also appealed to all United Nations Member States to make prompt payment of their contributions to the Organization so that it could play its unique and irreplaceable role in the promotion of peace and human rights. Reductions of the Organization's humanitarian activities could only lead to an increase in world tensions.

14. The African Commission of Health and Human Rights Promoters fully supported the Declaration and Programme of Action adopted by the World Summit for Social Development at Copenhagen. Since throwing off the yoke of colonialism, many African countries had pressed ahead with the struggle against poverty, disease and ignorance. It was essential for social development that the right to development should be promoted and protected as an integral part of fundamental human rights, that projects should be selected on the basis of the priorities and real needs of countries rather than on the basis of political considerations, that the social partners should be fully involved in private- and public-sector enterprises and that employers' and

workers' organizations should cooperate. The role of women in the process of economic and social development should also be given greater recognition.

15. African countries could succeed in their development efforts only if they established viable regional economic commissions which would enable them to pool their natural resources and to process their raw materials instead of exporting them at low prices to the developed countries and re-importing them as finished goods. Those countries currently had local experts with the necessary technical knowledge.

16. Mr. WANI (World Muslim Congress) said that the basic, inalienable and universal nature of the right to development had been recognized theoretically, but, in the face of economic realities, its application remained an elusive goal. The Working Group on the Right to Development had achieved only limited progress, and greater effects must be made to improve implementation of the right to development and economic, social and cultural rights, to monitor violations of those rights and to find a solution to the debt crisis. That would require an international consensus and development of the necessary legislation with the support of the donor community and the World Bank, the IMF, the European Commission, the United Nations system and the regional commissions.

17. The question of respect for the right to development in situations of conflict, or in countries under colonial or alien domination or foreign occupation, had been raised in the Commission, and the violation of the right to development of the people of Jammu and Kashmir had been mentioned. In that regard, he said that, on the previous day, the Indian authorities had silenced the voice of one of his colleagues at the Kashmir high court bar, Mr. Andrabi, who had made a statement to the Sub-Commission at its forty-seventh session. It had, moreover, been claimed that "terrorists" in Jammu and Kashmir were responsible for the destruction of the environment and the economy of the region. In reality, a 600,000-strong occupation force was persecuting a peaceful Kashmiri population and was destroying the environment and the economy of Kashmir. The international community should not be completely oblivious to the right to development of communities trapped in such situations. A sincere effort toward the pacific settlement of such disputes was required, and the World Muslim Congress regretted that some statements had distorted that point.

18. Mr. ARNOTT (World Conference on Religion and Peace) said that he wished to raise once again the question of the violation of economic, social and cultural rights under military rule. Land confiscation, looting, forced migration, deliberate environmental damage, etc., were frequently employed. Military considerations, for example, in Myanmar and East Timor, could prompt removal of the civilian support base for resistance groups. Political purposes, as in Tibet, some Indonesian islands or Bhutan, could lead to forced changes in the ethnic composition of a territory. Such policies could also be employed for economic reasons in the context of inept development projects, such as those for dam construction in India and China. In Iraq, the Government was depriving the Arabs of the marsh region of their traditional means of subsistence, and had imposed an internal blockade of the Kurds. In Turkey, Kurdish villages were being destroyed if their inhabitants refused to join Government militias. In Myanmar, the Government had boasted of its export of 1 million tonnes of rice in 1994/95 in the hope of obtaining

international recognition and legitimacy, but that had been achieved only at the cost of depriving whole regions of their rice supplies. Those arbitrary policies of taxation, land confiscation, direct extortion and even looting by the military had forced many rice farmers into exile.

19. In the light of such serious violations of economic rights, as well as gross and persistent violations of civil and political rights, the Commission should stress in its thematic and country resolutions that such practices were destroying the economic, social and cultural fabric of communities in many parts of the world and reaffirm that the right to development could be enjoyed only under conditions of security, peace and dignity and that good governance was the necessary condition for sustainable economic development.

20. Mr. SOTTAS (World Organization against Torture) said that consideration of the implementation of economic, social and cultural rights and the right to development revealed a lack of coordination in human rights policies on the part of both States and intergovernmental bodies. His organization had been arguing for years that success could be achieved only through an integrated approach to all human rights. The elimination of torture could take place only as part of a broad, coordinated effort to establish a more just international economic order. The irreversible globalization of the world economy had made it painfully evident that there were gaps in the legislation concerning essential areas of the protection of human rights. Worse yet, there was no general political will to resolve that problem, as had been shown once again by the inability of the Working Group on the Right to Development to arrive at a consensus. A dogmatic and, unfortunately dominant ideological trend was blocking any attempt at regulation in that area out of a blind belief in the supreme importance of market forces, despite the increasingly inextricable problems which that attitude produced.

21. The Sub-Commission's work on the basic guidelines for structural adjustment programmes and economic, social and cultural rights, and that of the Working Group on the Right to Development, nevertheless contained proposals which might lead to the adoption of new instruments to foster respect for all the rights guaranteed under the two international human rights covenants and encourage implementation of the right to development in the light of current realities. In view of the fact that the laissez-faire attitudes and speculation characteristic of financial transactions had particularly negative effects on development, it was unfortunate that the idea of a tax on such speculative transactions had been too quickly rejected. The relocation phenomenon affected not only full employment in the West; it also affected countries of the South by undermining social protection, freedom of association and income. Workers' rights were called into question because companies, unable to compete on an equal basis with transnational corporations, employed workers, particularly children with little or no protection. Certain countries, such as China, after being accused of resorting to forced labour, had been encouraged to introduce a system of quality stamps to guarantee that the products which they marketed were produced under conditions that respected the dignity of workers. In that regard, ICFTU had made an interesting proposal for the inclusion in international trade agreements of social clauses making explicit reference to certain rights, including those of workers, although there was disagreement concerning which rights should be mentioned.

22. The World Organization against Torture felt that in the real problem areas, control and sanctions, the ILO was the only institution with the necessary resources and authority. In order to avoid any dispute, explicit reference must be made to the instruments to be included, and all trade agreements must include an article, similar to article 5 of the Lomé Conventions, which would make it possible to impose sanctions on a non-discriminatory basis. However, escape clauses which provided for immediate sanctions without proper verification of the extent of the violations should be avoided.

23. With regard both to development assistance policies and the financing of programmes of action, and to trade with the partners of developing countries, there was, indeed, consensus on the need to give preference to those who showed the greatest respect for human rights. But there was also a certain fragmentation of regulations and decision-making authorities, and a lack of unity and consistency in the measures taken, which ignored the reality of many dependent economies. The idea of a "Uruguay Round" for transnationals under the auspices of the United Nations Conference on Trade and Development (UNCTAD) was, therefore, an interesting one. Transnationals themselves needed well-defined rules and a stable environment for their investments and for marketing their products.

24. The World Organization against Torture was encouraged by the attention which had been devoted over the past few years to the effects on human rights of structural adjustment measures. It felt that theoretical debates on economic, social and cultural rights and the right to development must give way to the adoption of effective new instruments.

25. Ms. BAUTISTA (Philippines) said that her country was committed to fulfilling its obligations under the international human rights instruments to which it was a party, in particular by submitting reports to the bodies created under those instruments. She therefore noted with satisfaction in the Secretary-General's report of the sixth meeting of persons chairing the human rights treaty bodies (A/50/505) that there had been an improvement in the number and quality of reports submitted and that the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child should draw inspiration from the positive example given in that respect by the Committee on the Elimination of Racial Discrimination. She also welcomed the idea of encouraging the participation of intergovernmental and non-governmental organizations and increasing cooperation with United Nations non-conventional human rights bodies and mechanisms and the description of human rights standard-setting activities at the international level (E/CN.4/1996/87).

26. However, greater emphasis should be placed on the need for increased cooperation with the States parties themselves, and for a streamlining of the procedures for submission of reports to the bodies created under the international human rights instruments, in order to ensure that those bodies did not exceed their mandates. Those committees were meant to function in a spirit of cooperation rather than one of confrontation or justification. While there must be guidelines for the submission of reports, there should also be guidelines for the consideration of reports by such bodies, since the general guidelines set for all countries could not take into account the individual situation of each country. For example, prescriptions on such

matters as national budgets were not within the competence of those bodies. The Philippines, which, twice during the past year, had taken pains to meet its reporting obligations, hoped that those efforts would be recognized.

27. She welcomed the initiatives currently being taken to rationalize the work of the Committee on the Rights of the Child in general, and perhaps also that of the reporting system, through the development of a database and greater coordination in the provision of technical assistance to States parties. But while it was desirable to avoid duplication of effort and lessen the reporting burden, care must be taken to avoid any risk of abuse of information. The Philippines would therefore like to see greater transparency in that regard, and greater coordination with States parties, in order to achieve a rationalization of the reporting process and the work of the human rights treaty monitoring bodies.

28. Mr. ROSALES DIAZ (Nicaragua) thanked the Working Group on the Right to Development and expressed deep regret that it had been impossible to adopt its final report by consensus. He said that the human condition was no better at the dawn of the twenty-first century than it had been at the dawn of the twentieth. Poverty, social alienation, unemployment, underdevelopment and discrimination continued to exist. According to the World Health Organization (WHO), poverty was the world's primary cause of death. It had been established that over 20 million men, women and children died each year from hunger or curable diseases. The end of the cold war had allowed some to hope for a new economic order which would result in a better life for human beings. But, as was clear from the studies made by the United Nations Research Institute for Social Development (UNRISD), that was not the case. Millions of those excluded from the organized economy were living in poverty, and deadly conflicts ravaged whole countries. The world was paying a high price for its inability to see and deal with social problems. The World Summit for Social Development had taken certain steps to introduce some degree of social justice into the globalization of the economy and the liberalization of trade but there was a need for a monitoring mechanism to continue the work of the Copenhagen summit.

29. In view of the inevitable globalization of the economy, there was an urgent need for measures to mitigate the effects of structural adjustment policies and curb the impoverishment of populations. In the third world countries, while some people were beginning to profit from the current economic policies, the majority were becoming increasingly poor. The growing gap between societies was an obstacle to social integration and development.

30. While most public and social structures were on the decline, other structures enjoyed increasing freedom with no corresponding increase in their social responsibilities. Various studies made by UNCTAD and UNRISD had shown that transnational corporations had experienced a considerable increase in sales; they currently controlled over 33 per cent of producer goods although they employed, directly or indirectly, only about 5 per cent of the world's workforce. The Central American labour ministers who had met in Nicaragua on 7 and 8 March 1996 had adopted the Montelimar Declaration, in which they had stated that, despite the fact that transnational corporations constituted an important source of resources, certain of them were operating in free economic zones in violation of countries' labour law and of human rights. To avoid such situations and, in general, to ensure implementation of the right to

development and economic and social rights, it was important to continue the work of the Commission on Transnational Corporations, which had been working to develop a code of conduct for such corporations before its efforts had been halted by the inability of the States of the South and the North to reach agreement.

31. Mr. IVKOVIC (Australia), speaking on agenda items 5 and 6, said that Australia pursued a human rights policy based on the principles of the universality and indivisibility of all rights and the rejection of any hierarchy of rights. Although the indivisibility of human rights was explicitly recognized in the Bill of Human Rights and the Vienna Declaration, that principle was not always observed in practice. For example, although the two Covenants had an almost equal number of ratifications, many countries had chosen to ratify one and not the other. His delegation urged States that were not parties to the International Covenant on Economic, Social and Cultural Rights to consider steps leading to ratification; it also urged States which had lodged reservations to review them. With regard to the second United Nations Conference on Human Settlements (Habitat II), Australia was also concerned that agreement had not yet been reached on language affirming the right to adequate housing.

32. In view of the fact that the International Covenant on Economic, Social and Cultural Rights called on States parties to implement those rights progressively and to the maximum of their available resources, his delegation suggested that, in order to meet that commitment, countries could take the following steps: repeal of any measure which hindered individuals' exercise of the right to food, shelter, health or education; repeal of any measure which curtailed civil and political rights; development of economic and social indicators to provide benchmarks of economic, social and cultural rights; development of national action plans for the promotion of economic, social and cultural rights; increased cooperation with treaty bodies, in particular the Committee on Economic, Social and Cultural Rights; and implementation of the programmes of action adopted by world conferences. At the international level, better use could be made of the enormous resources being deployed through international and intergovernmental agencies.

33. With regard to the right to development, which was one of the most important items on the Commission's agenda, he said that the Declaration on the Right to Development was intended to close the gap caused by the formulation of two separate human rights instruments in 1966. The Vienna Conference had reached consensus on the concept of the right to development, which had been developed at subsequent world conferences. The Government of Australia recognized the interdependence of human rights and the right to development and believed that all individuals and peoples had the right to enjoy the benefits of sustainable development.

34. His delegation had welcomed the report of the Working Group on the Right to Development, which clearly stated that the realization of the right to development was the responsibility of all actors in development. The Working Group had correctly stressed the need to move from generalities to operational measures directed at individual national situations, and its recommendations on steps to be taken at the regional and international levels were also of great interest. One of the most important questions with regard to the right to development was that of a follow-up mechanism. His delegation believed

that the right to development was too important for the Commission to be left without a means to further the research undertaken by the Working Group, and it looked forward to the development of an effective mechanism to permit progress in the realization of that right in a constructive and non-confrontational manner.

35. Mr. Joon Hee LEE (Republic of Korea) said that his Government attached great importance to the protection of economic, social and cultural rights and that, since its accession to the International Covenant on Economic, Social and Cultural Rights in 1990, it had endeavoured to ensure reflection of the requirements of the Covenant in its domestic law. The Republic of Korea had presented its initial report, concerning the rights covered by articles 1-15 of the Covenant, to the Committee on Economic, Social and Cultural Rights in May of the previous year. That process had highlighted some of the problems associated with rapid economic development, such as uncontrolled urbanization and threats to the environment. But economic development and human development were not mutually exclusive; in fact, economic growth was conducive to the realization of economic, social and cultural rights. The right to development was based on the assumption that the conditions necessary to the realization of that right were the responsibility of individual Governments, but also, as had been affirmed at the World Summit for Social Development, that all States must cooperate to eliminate obstacles to development and establish the basic elements of sustainable development.

36. Turning to agenda item 14, he said that, while respect for human rights depended primarily on States themselves, the system for monitoring the implementation of treaties by the treaty bodies was a key mechanism. He shared most of the concerns expressed by the independent expert, Mr. Philip Alston, in the interim report (A/CONF.157/PC/62/Add.11/Rev.1) on his study of the functioning of the United Nations human rights treaty monitoring mechanism (insufficient resources, duplication, an excessive workload for treaty bodies and States, etc.) and hoped for harmonization and unification of the reporting system in the longer term.

37. Mr. SEMASHKO (Ukraine) said that history had demonstrated the correlation between, and interdependence of, economic and social processes in the modern world. Despite considerable progress, problems such as unemployment, poverty, social disintegration and isolation continued to exist and were particularly serious in the countries in transition. Given the fact that the transition would have long-term effects on international economic relations and the global situation, assistance to post-totalitarian countries must become one of the United Nations priority activities. It was also important that support to countries in transition, such as Ukraine, should have tangible results for populations in difficulties; current aid programmes were not sufficiently effective owing to their lack of focus, the overly "academic" nature of the recommendations made, insufficient funding and a certain distance from the real problems of the countries concerned. Rapid integration of those States into the world economy through appropriate assistance would make it possible to increase the funding sources of programmes for the benefit of developing countries. Implementation of the proposals contained in the Declaration and Programme of Action adopted by the World Summit for Social Development, based on the idea of sustainable development, should encourage that process.

38. It was extremely difficult for a country in transition to devise a policy for economic and social development when its standard of living was dropping, unemployment was increasing and poverty was growing among the vulnerable groups of its population and while the social conscience continued to be influenced by the stereotype of an ineffective and outdated economic system. In the case of Ukraine, it was, in fact, a dual transition: a transition from totalitarianism to democracy and from a centralized, planned and, therefore, distorted, economy to a market economy, which required the adoption of courageous measures. The Government had therefore secured parliamentary approval of a reform policy which called for the liberalization of prices and wages, the privatization of business, reduction of the budget deficit, implementation of a strict and balanced credit policy and creation of a legal framework for setting up a market economy. A group of measures for economic and social development had been proposed in a document entitled "Policy options for the Executive Power with a view to the implementation of the final documents of the World Summit for Social Development". An in-depth reform of social security had been undertaken and would benefit all those with insufficient means of subsistence, such as retirees, the disabled and young persons. However, all of those changes must be accompanied by implementation of democratic principles and respect for fundamental rights and freedoms.

39. At the international level, Ukraine remained committed to the principle that stable development could ensure lasting peace and universal security. The country must therefore create the conditions necessary to such development since, in view of the geopolitical situation, its efforts to build a social, democratic and prosperous State were an important factor for the peace and stability of the European continent. It also hoped to expand its cooperation with the United Nations, with whose support it, like other countries in transition, would be able to achieve greater integration into the international economic area.

40. Mr PRASAD LACOUL (Nepal) said that, at the World Conference on Human Rights in 1993, the right to development had been recognized as a universal and inalienable right and an integral part of the fundamental rights of the human person as the central subject of development. It was therefore the duty of States and the international community to cooperate in ensuring development. However, it must be remembered that it was sometimes difficult for countries such as Nepal, which was among the least-developed countries and was landlocked, to meet their obligations since they were handicapped by a difficult geographical situation and a scarcity of the resources required for setting up the necessary economic infrastructures.

41. Nevertheless, Nepal recognized the interrelationship of human rights, democracy and development and, since 1990, its Government had taken steps to implement democratic principles and guarantee the civil, political, economic, social and cultural rights of the Nepalese people. There were still many obstacles to the effective enjoyment of those rights, and the international community must try to understand the problems of countries, such as Nepal, which were unable to meet the basic needs of their population with regard to shelter, food, education and health care.

42. The report of the Working Group on the Right to Development on its fifth session (E/CN.4/1996/24) had identified various obstacles to the implementation and realization of the Declaration on the Right to Development

at the national and international levels. The list, which was not exhaustive owing to the specific circumstances of each country, illustrated the interdependence of development and human rights and gave an idea of the efforts which must still be made by the international community to give effect to the principles contained in the Declaration. Nepal supported the Working Group's recommendations on the various measures to be taken to that end and expressed the hope that adequate resources for their implementation would be forthcoming. Above all, it welcomed the recommendation for the creation of intergovernmental machinery to continue work on the question.

43. The CHAIRMAN invited delegations wishing to avail themselves of the right of reply to take the floor.

44. Mr. AKRAM (Pakistan), in reply to the statement of the Indian delegation, said that Kashmir was still a disputed territory, as was clear from the Security Council resolutions and the maps produced by the United Nations, and that if the Kashmiris had opted for India of their own free will, India would not need 700,000 troops to keep Kashmir under its sway. If India had not organized a referendum on the matter, it was because it knew what the result would be; the answer was clear from the Pakistani flag that was raised over Kashmir on the independence day of Pakistan.

45. Although India had opted for transparency to avoid censure in the Commission, it had refused to allow any of the Commission's thematic rapporteurs to visit India, let alone Kashmir. The massive human rights violations committed by India in Kashmir had been confirmed recently by the discovery in Srinagar of the body of Mr. Jalil Andrabi, Chairman of the Kashmir Commission of Jurists, who had been kidnapped on 8 March by Indian soldiers. His assassination was not an isolated incident; it was part of a campaign of repression and terror carried out by India in Kashmir. India, however, like all other colonial powers before it, should know that there was no force capable of stopping a people's fight for freedom and that freedom would, in the end, triumph in Kashmir.

46. Mr. LEMA PATIÑO (Observer for Bolivia), in response to a statement by the Movement against Racism and for Friendship among Peoples, said that Bolivia had experienced profound social changes in recent years and had made major efforts to emerge from poverty. A whole series of structural reforms, adapted to the particular situation of Bolivia, had been implemented in various domains. Moreover, a draft bill on land law had been developed to provide financial assistance to the indigenous communities as an impetus to their development. The Government had also submitted to the World Bank its ninth plan for rural development, from which the majority of rural communities would benefit. To ignore those realities was to deny the country's efforts to modernize its economic and social structures. His delegation would, at a later date, also inform the Commission of the legal measures which it was taking for the promotion and protection of human rights.

The meeting rose at 6 p.m.